

House File 866

H-1393

1 Amend House File 866 as follows:

2 1. By striking everything after the enacting clause and  
3 inserting:

4 <Section 1. Section 216.8C, Code 2021, is amended by adding  
5 the following new subsection:

6 NEW SUBSECTION. 7. A request for accommodation made by  
7 a person under this section must be reasonable under the  
8 circumstances. A landlord may make other accommodations to the  
9 person making the request including but not limited to offering  
10 to relocate the person to another housing unit managed by the  
11 landlord.

12 Sec. 2. Section 562A.9, subsection 4, Code 2021, is amended  
13 to read as follows:

14 4. For rental agreements in which the rent does not exceed  
15 seven hundred dollars per month, a rental agreement shall not  
16 provide for a late fee that exceeds twelve dollars per day or a  
17 total amount of sixty dollars per month. For rental agreements  
18 in which the rent is greater than seven hundred dollars per  
19 month but less than one thousand four hundred dollars per  
20 month, a rental agreement shall not provide for a late fee  
21 that exceeds twenty dollars per day or a total amount of one  
22 hundred dollars per month. For rental agreements in which the  
23 rent is at least one thousand four hundred dollars per month, a  
24 rental agreement shall not provide for a late fee that exceeds  
25 two percent of the rent per day or ten percent of the rent per  
26 month.

27 Sec. 3. Section 562A.11, subsection 2, Code 2021, is amended  
28 to read as follows:

29 2. A provision prohibited by subsection 1 included in a  
30 rental agreement is unenforceable. If a landlord willfully  
31 ~~uses~~ enforces provisions in a rental agreement ~~containing~~  
32 ~~provisions~~ known by the landlord to be prohibited, a tenant may  
33 recover actual damages sustained by the tenant and not more  
34 than three months' periodic rent and reasonable attorney fees.

35 Sec. 4. Section 648.18, Code 2021, is amended to read as

1 follows:

2     **648.18 Possession — bar.**

3     Thirty days' peaceable possession with the knowledge of the  
4 plaintiff after the cause of action accrues is a bar to this  
5 proceeding. However, this section does not apply to a landlord  
6 that notifies a tenant in a writing of a breach of a financial  
7 obligation under a rental agreement entered into under chapter  
8 562A and the landlord's intent to enforce such provision.

9     Sec. 5. Section 648.22, Code 2021, is amended to read as  
10 follows:

11     **648.22 Judgment — execution — costs — disposal of personal**  
12 **property — sealing of court records.**

13     1. If the defendant is found guilty, judgment shall be  
14 entered that the defendant be removed from the premises, and  
15 that the plaintiff be put in possession of the premises, and an  
16 execution for the defendant's removal within three days from  
17 the judgment shall issue accordingly to which judgment for  
18 costs shall be entered in the judgment docket and lien index,  
19 and to which shall be added a clause commanding the officer to  
20 collect the costs as in ordinary cases.

21     2. Any personal property of the defendant remaining on the  
22 plaintiff's real property after the defendant's removal under  
23 this section may be disposed of by the plaintiff.

24     3. In a residential forcible entry and detainer action the  
25 court shall enter an order sealing the court records of the  
26 action not later than three days from the date of the hearing,  
27 or from the date the hearing would have been held as provided  
28 by law, if any of the following occurs:

29     a. The defendant is found not guilty.

30     b. By motion or upon the court's own determination, the  
31 court finds there is no genuine issue of material fact between  
32 the parties.

33     c. The case is dismissed.

34     d. The plaintiff does not appear for the hearing.

35     4. Upon application of a defendant found guilty in a

1 residential forcible entry and detainer action for nonpayment  
2 of rent, the court shall enter an order sealing the record of  
3 the action, the existence of the petition, all filings and  
4 documentation within the case file, and any associated writs of  
5 execution, if all of the following conditions are met:  
6     a. More than five years have passed since the date of the  
7 finding of guilt.  
8     b. The applicant has not been found guilty in a subsequent  
9 forcible entry and detainer action in the five-year period  
10 directly preceding the application.  
11     c. The applicant has not previously been granted a sealing  
12 of a finding of guilt under this chapter within ten years prior  
13 to the application.  
14     d. The applicant has paid all court costs, fees, fines, and  
15 any other financial obligation ordered by the court or assessed  
16 by the clerk of the district court in the case.  
17     5. The application to seal the record of the action shall be  
18 included in the record the defendant wishes to seal, using a  
19 form prescribed by the supreme court.  
20     6. Upon sealing, the existence of the petition, all filings  
21 and documentation within the case file, and any associated  
22 writs of execution shall be removed from any publicly  
23 accessible location under the direction of the judicial branch  
24 or county, as applicable. Notwithstanding chapter 22, records  
25 sealed upon satisfaction of the requirements specified in this  
26 section shall not be available for public inspection except in  
27 one of the following manners:  
28     a. Upon request by the defendant or the attorney for the  
29 defendant by filing a motion in the sealed case.  
30     b. Upon application to the judicial branch using a form  
31 prescribed by the supreme court for scholarly, educational,  
32 journalistic, or governmental purposes only, provided that in  
33 all cases, the names of minor children shall remain sealed  
34 at all times, and that the names and personally identifiable  
35 information of all persons named as defendants or included in

1 the plaintiff's petition shall be redacted and remain sealed  
2 unless the court determines that release of such information is  
3 necessary to fulfill the scholarly, educational, journalistic,  
4 or governmental purpose of the request.

5 c. The clerk of court in the county in which an action is  
6 originated shall maintain a record in the aggregate of all  
7 filings and the final disposition of any such actions, to  
8 include dismissal, default judgment, and writs associated with  
9 disposition. The clerk of court shall make available to the  
10 public and report annually such aggregate information in such  
11 a manner prescribed by the supreme court as to protect the  
12 identity of the parties while still providing the public with  
13 information regarding eviction proceedings in the county.

14 7. Upon sealing, a consumer reporting agency shall  
15 not disclose the existence of, or information regarding,  
16 an eviction action or other civil action sealed or made  
17 confidential under this section or use such action as a factor  
18 to determine any score or recommendation to be included in a  
19 consumer report regarding any person named in such case.

20 8. Subsections 3 through 7 shall not apply to a money  
21 judgment awarded for an action that was filed with a forcible  
22 entry and detainer action or arising from the same set of facts  
23 and circumstances.

24 Sec. 6. APPLICABILITY. The following applies to rental  
25 agreements whose lease terms begin on or after January 1, 2022:

26 The section of this Act amending section 562A.9.>

27 2. Title page, line 3, before <property> by inserting <court  
28 records and>

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HITE of Mahaska